

From: Timothy Jedlicka bonzopad
To: Microsoft ATR
Date: 1/23/02 11:23pm
Subject: Microsoft Settlement

To: microsoft.atr@usdoj.gov
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I would like to point out some problems with the Proposed Final Judgment concerning United States vs. Microsoft as allowed by the Tunney Act.

I have had great difficulty avoiding the Microsoft monopoly. The court should try to remedy the monopoly, as well as assess real punitive damages, and encourage real competition. This will ultimately benefit the entire computer industry and all users.

The PFJ falls short in several areas, the following are the ones that continue to hamper my attempt at avoiding the Microsoft monopoly.

- * The "Findings of Fact" (paragraphs 20 and 39) found that Microsoft's UNDOCUMENTED file formats form an Applications Barrier to Entry. I have trouble finding compatible competitive software that will read Microsoft documents because Microsoft does not have to publish their file formats. This inhibits competition and encourages Microsoft's continuing monopoly.

- * Microsoft discriminates against ISVs who work with Open Source. The "Microsoft Windows Media Encoder 7.1 SDK EULA" prohibits the distribution of the redistributable component if it is in conjunction with Publicly Available Software. This discourages the use and growth of the Open Source community.

- * The PFJ does not place restrictions on how Microsoft licenses products to large users known as "enterprises". I work for a large corporation, but do not run Microsoft on my PC. However due to the licensing practices my department is still required to pay Microsoft licensing fees because my PC "could potentially" run a Microsoft OS. This gives no incentive for individuals or my department to run non-Microsoft software, since we would still have to pay the licensing fees.

I would suggest the court seriously consider Red Hat's offer to give an OS (Linux) and applications to schools for free forever if Microsoft provides the hardware. This appears to be a win for everyone who should benefit.

Thank you for your consideration.

Sincerely,

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